

Dianne C. Kerns, Trustee
Office of Chapter 13 Bankruptcy
PMB #413
7320 N. La Cholla #154
Tucson, AZ 85741
Telephone (520) 544-9094

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

IN RE:)	CHAPTER 13 PROCEEDINGS
)	
BILLY RAY HATFIELD)	CASE NO.: 18-bk-13497-BMW
)	
)	TRUSTEE'S MOTION TO DISMISS
)	FOR DELINQUENT PLAN
)	PAYMENTS
)	and
)	NOTICE OF INTENT TO LODGE
)	ORDER DISMISSING CASE
)	<u>WITHOUT A HEARING;</u>
DEBTOR)	

YOUR RIGHTS MAY BE AFFECTED. PLEASE READ THIS MOTION / NOTICE CAREFULLY AND DISCUSS WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

THIS MOTION MAY BE GRANTED WITHOUT FURTHER NOTICE OR HEARING

Dianne C. Kerns, Trustee in the above-captioned estate, hereby moves the Court for an order dismissing the above-captioned case on the grounds that the Debtor is delinquent in one or more plan payments (1). **The amount of the current plan payment delinquency is: \$3,598.00.** The Trustee hereby gives notice of her intent to lodge an order dismissing this case, **without further notice of hearing**, unless the Debtor completes one of the following **within 30 days of the mailing of this motion(2):**

- (a) Makes payment to the Trustee of the full amount stated as delinquent PLUS any additional amounts that subsequently come due. (3)
- (b) Files and serves a notice of conversion to Chapter 7; or
- (c) Files and serves an amended/modified plan using Local Plan form 2084-4 and obtain an order confirming the amended/modified plan, following an opportunity to object by any creditors and evaluation by the Trustee. LRBP Rules 2084-4, 2084-9, and 2084-10.

If the Debtor fails to timely do one of the above, the Trustee is specifically authorized to upload an order dismissing the case and **the Court may summarily dismiss the case without further notice or hearing.** LRBP 2084-15 (b)

Dated: February 25, 2019

/s/ Dianne C. Kerns 011557

Dianne C. Kerns, Esq.
Chapter 13 Trustee

Copy of the foregoing electronically filed with U.S. Bankruptcy Court this February 25, 2019
All parties will receive notice from the court including the following:

BILLY RAY HATFIELD
2525 N CAMINO RELOJ
GREEN VALLEY, AZ 85614

WAYNE MORTENSEN!
MORTENSEN LAW OFFICES PLLC
1901 E UNIVERSITY DR #360
MESA, AZ 85203

Prepared by Dawn Hoffman

(1) See Local Rules of Bankruptcy Procedure for the District of Arizona ("LRBP") Rule 2084-15. The Court provided notice of the local rules at commencement of this case in a document entitled "Notice of Certain Provisions of Local Bankruptcy Rules 2084-1 through 2084-26", which document was attached to the "Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, deadlines." The local rules may also be viewed at www.azb.uscourts.gov under the "court info" dropdown menu.

(2) Not earlier than 30 + 7 days after the mailing of this motion, the Trustee will determine whether to upload an order dismissing by (1) reviewing the court docket for conversions, extensions, objections, and/or amended/modified plan; and (2) reviewing the status of plan payments received by the Trustee's bank. If the Court dismisses the case on this motion, the Debtor may seek reinstatement by following the procedures in LRBP 2084-17. The Trustee will only approve the reinstatement if the plan payments are current. If the Trustee does not approve the order of reinstatement the Debtor must set the reinstatement for hearing.

(3) Payments should be mailed to Dianne C. Kerns, Trustee, P.O. Box 366, Memphis TN 38101-0366. Cashiers checks or money orders only. Debtors do not need to send a confirmation copy of payments to the Trustee's office. Debtors may confirm that the Trustee has received payments by logging onto www.ndc.org. In general, the information on this website is 24-hours old.

CASE NO.: 18-bk-13497-BMW

RECEIPT HISTORY

RECEIPT DATE	RECEIPT SOURCE	RECEIPT DESCRIPTION	RECEIPT AMOUNT
Dec 10, 2018		TFS - MONTHLY PLAN PAYMENT	1,800.00
Feb 22, 2019		TFS - NATIONWIDE TFS RECEIPT	2.00
			TOTAL RECEIPTS 1,802.00